

REMARKS/ARGUMENTS

Status of the Application:

Prior to entry of this amendment, claims 1-22 stand pending in the application. An earlier office action mailed May 30, 2003 required restriction between pending claims 1-18 (Group I) and 19-22 (Group II). In a supplemental appeal brief filed August 16, 2003, Applicants elected Group II with traverse. An office action mailed November 3, 2003 made the restriction requirement final and rejected elected claims 19-22 under 35 U.S.C. § 101 as being non-statutory, under § 103(a) as being unpatentable over combinations of references including U.S. Patent No. 5,826,243 (Musmanno), U.S. Patent No. 6,422,462 (Cohen), U.S. Patent No. 5,953,710 (Fleming), and U.S. Patent No. 6,311,170 (Embrey). The office action also rejected claims 19, 20 and 22 under § 112, ¶ 2 as being indefinite. Finally, the office action objected to the specification because page 1 thereof included references to pending U.S. applications without references to the corresponding application serial numbers. This amendment neither adds, cancels nor amends any claims, so after entry of this amendment, claims 1-22 will remain pending in the application.

Applicants have filed concurrently herewith a petition under 37 C.F.R. § 1.144 from the final restriction requirement. Applicants also have filed concurrently herewith a request for reinstatement of appeal and a second supplemental appeal brief.

Amendments to the Specification:

In response to the objections to the specification, Applicants have amended page 1 of the specification to include the application serial numbers of the referenced pending applications.

Status of Non-Elected Claims:

The last office action required Applicants to cancel non-elected claims 1-18 in response to the final restriction requirement. Given that Applicants have petitioned from the

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final restriction requirement, Applicants respectfully submit that cancellation of the non-elected claims at this time is neither required nor appropriate.

Claim Rejections:


All of the claim rejections contained in the most recent office action have been carefully reviewed, but it is believed that the cited grounds for rejection do not render any of the pending claims unpatentable. Applicants, therefore, have filed a request to reinstate the appeal in this case, along with a second supplemental appeal brief. In light of the arguments in the second supplemental appeal brief, it is respectfully submitted that all of the claims pending in the application are allowable over the cited references, and that the non-art rejections likewise are mistaken. Thus, Applicants believe that the claims as pending are allowable. Applicants, therefore, respectfully requests that the arguments in second supplemental appeal brief be considered and that a notice of allowance be issued with respect to all pending claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims currently pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


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